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DAVIS POLK & WARDWELL
1600 El Camino Real
Menlo Park, California 94025
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Attorneys for Plaintiff
VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,)	CASE NO. C08-03129 MMC
)	
Plaintiff,)	PROOF OF SERVICE BY
)	SUBSTITUTED SERVICE & MAILING
v.)	(PURSUANT TO CALIFORNIA CCP
)	415.20 B)
BIOLITEC, INC., DORNIER MEDTECH)	
AMERICA, INC., NEW STAR LASERS,)	SEE ATTACHED
INC. d/b/a/COOLTOUCH, INC., DAVID S.)	
CENTANNI, and TYRELL L. SCHIEK)	
)	
Defendants.)	Judge: The Honorable Maxine M. Chesney
)	
)	

Attorney or Party without Attorney: Law Offices Of: DAVIS POLK & WARDWELL 1600 EL CAMINO REAL Menlo Park, CA 94025 Telephone No: 650-752-2000 FAX No: 650-752-2111				For Court Use Only	
Ref. No. or File No.: 21368/004					
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: United States District Court, Northern District Of California					
Plaintiff: VNUS MEDICAL TECHNOLOGIES, INC.					
Defendant: TYRELL L. SCHIEK					
PROOF OF SERVICE SUMMONS IN A CIVIL		Hearing Date: Fri, Oct. 17, 2008	Time: 10:30AM	Dept/Div: 7	Case Number: CV-08-3129 JCS

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the Summons In A Civil Action; Civil Cover Sheet; Complaint For Patent Infringement And Demand For Jury Trial; First Amended Complaint For Patent Infringement And Demand For Jury Trial; Plaintiff Vnus Medical Technologies, Inc.'s Rule 7.1 Corporate Disclosure Statement And Civil Local Rule 3-16 Certification Of Interested Entities Or Persons; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States Judge; Us District Court For The Northern District Of California-Ecf Registration Information Handout; Reassignment Order; Standing Orders For Civil Cases Assigned To The Honorable Maxine M. Chesney; Case Management Conference Order; Standing Order For All Judges Of The Northern District Of California; Second Amended Complaint.

3. a. Party served: TYRELL L. SCHIEK
 b. Person served: SEE ITEM 5.b.

4. Address where the party was served: 901 YALE ST
 HOUSTON, TX 77008

5. I served the party:
 b. by substituted service. On: Fri., Aug. 29, 2008 at: 11:46AM I left the documents listed in item 2 with or in the presence of:
 ANGEL CORTIO, EMPLOYEE

(1) (Business) A person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.

(4) A declaration of mailing is attached.

7. Person Who Served Papers:
 a. MARCOS LARDIZABAL

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am:

(i) Independent Contractor



1541 Bayshore Hwy.
 Burlingame, CA 94010-1802
 (650) 697-9431

GENERAL@AALEGALSERVICE.COM
 Fax (650) 697-4540

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Thu, Sep. 04, 2008

Judicial Council Form
 Rule 2.150(a)&(b) Rev. January 1, 2007

PROOF OF SERVICE
 SUMMONS IN A CIVIL

(MARCOS LARDIZABAL)

7522000.47838

Attorney or Party without Attorney: Law Offices Of: DAVIS POLK & WARDWELL 1600 EL CAMINO REAL Menlo Park, CA 94025 Telephone No: 650-752-2000 FAX No: 650-752-2111				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: United States District Court, Northern District Of California					
Plaintiff: VNUS MEDICAL TECHNOLOGIES, INC. Defendant: TYRELL L. SCHIEK					
PROOF OF SERVICE By Mail		Hearing Date: Fri, Oct. 17, 2008	Time: 10:30AM	Dept/Div: 7	Case Number: CV-08-3129 JCS

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the Summons In A Civil Action; Civil Cover Sheet; Complaint For Patent Infringement And Demand For Jury Trial; First Amended Complaint For Patent Infringement And Demand For Jury Trial; Plaintiff Vnus Medical Technologies, Inc.'s Rule 7.1 Corporate Disclosure Statement And Civil Local Rule 3-16 Certification Of Interested Entities Or Persons; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States Judge; Us District Court For The Northern District Of California-Ecf Registration Information Handout; Reassignment Order; Standing Orders For Civil Cases Assigned To The Honorable Maxine M. Chesney; Case Management Conference Order; Standing Order For All Judges Of The Northern District Of California; Second Amended Complaint.
- By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
 - Date of Mailing: Tue., Sep. 02, 2008
 - Place of Mailing: BURLINGAME, CA 94010
 - Addressed as follows: TYRELL L. SCHIEK
901 YALE ST
HOUSTON, TX 77008
- I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Tue., Sep. 02, 2008 in the ordinary course of business.
- Person Serving:
 - GLORIA MADERA
 - A & A LEGAL SERVICE
1541 Bayshore Hwy.
BURLINGAME, CA 94010
 - (650)697-9431, FAX (650)697-4640

Recoverable Cost Per CCP 1033.5(a)(4)(B)
 d. **The Fee for Service** was:
 e. I am: (3) registered California process server

 - Employee
 - Registration No.: 810
 - County: San Francisco

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Thu, Sep. 04, 2008


(GLORIA MADERA)

Attorney or Party without Attorney: Law Offices Of: DAVIS POLK & WARDWELL 1600 EL CAMINO REAL Menlo Park, CA 94025				For Court Use Only	
Telephone No: 650-752-2000 FAX: No: 650-752-2111		Ref. No or File No.: 21368/004			
Insert name of Court, and Judicial District and Branch Court: United States District Court, Northern District Of California					
Plaintiff: VNUS MEDICAL TECHNOLOGIES, INC. Defendant: TYRELL L. SCHIEK					
AFFIDAVIT OF REASONABLE DILIGENCE		Hearing Date: Fri, Oct. 17, 2008	Time: 10:30am	Dept/Div: 7	Case Number: CV-08-3129 JCS

1. I, MARCOS LARDIZABAL, and any employee or independent contractors retained by A & A LEGAL SERVICE are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant TYRELL L. SCHIEK as follows:

2. Documents: Summons In A Civil Action; Civil Cover Sheet; Complaint For Patent Infringement And Demand For Jury Trial; First Amended Complaint For Patent Infringement And Demand For Jury Trial; Plaintiff Vnus Medical Technologies, Inc.'s Rule 7.1 Corporate Disclosure Statement And Civil Local Rule 3-16 Certification Of Interested Entities Or Persons; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States Judge; Us District Court For The Northern District Of California-Ecf Registration Information Handout; Reassignment Order; Standing Orders For Civil Cases Assigned To The Honorable Maxine M. Chesney; Case Management Conference Order; Standing Order For All Judges Of The Northern District Of California; Second Amended Complaint..

Day	Date	Time	Location	Results
Fri	08/22/08	3:07pm	Business	PER MALE, SUBJECT WAS NOT AVAILABLE. Attempt made by: MARCOS LARDIZABAL. Attempt at: 901 YALE ST HOUSTON TX. 77008.
Wed	08/27/08	4:45pm	Business	BUSINESS WAS CLOSED. DOOR WAS LOCKED. NO HOURS POSTED. Attempt made by: MARCOS LARDIZABAL. Attempt at: 901 YALE ST HOUSTON TX. 77008.
Fri	08/29/08	11:46am	Business	SUBJECT WAS NOT AVAILABLE. SUBSTITUTE SERVICE WAS MADE AT THE GIVEN ADDRESS ON EMPLOYEE ANGEL CORTIO. Attempt made by: MARCOS LARDIZABAL. Attempt at: 901 YALE ST HOUSTON TX. 77008.

3. Person Executing
 a. MARCOS LARDIZABAL
 b. A & A LEGAL SERVICE
 1541 Bayshore Hwy.
 BURLINGAME, CA 94010
 c. (650)697-9431, FAX (650)697-4640

Recoverable Costs Per CCP 1033.5(a)(4)(B)
 d.. The Fee for service was:
 e. I am:

(i) Independent Contractor

4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Thu, Sep. 04, 2008

AFFIDAVIT OF REASONABLE DILIGENCE (MARCOS LARDIZABAL) 7522000.47838